

PHILLIP A. TALBERT  
United States Attorney  
JESSICA A. MASSEY  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ANTHONY MINOR,  
  
Defendant.

CASE NO. 1:22-CR-00177-DAD-BAM

REQUEST TO PLACE MATTER ON CALENDAR  
AND STIPULATION REGARDING  
EXCLUDABLE TIME PERIODS UNDER SPEEDY  
TRIAL ACT; FINDINGS AND ORDER

CURRENT DATE: January 17, 2023 (off calendar)  
TIME:  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

1. By previous order, this matter was set for a further hearing on defendant's motion to dismiss (Doc. 43) on January 17, 2023. Doc. 62, 63. Time was excluded until that date. Doc. 62.

2. On January 13, 2023, the Hon. Ana de Alba issued an Order denying defendant's motion to dismiss (Doc. 64) and ordered the matter be taken off calendar. Doc 65.

3. The parties now request the Court calendar this matter for a status conference on January 25, 2023, and hereby agree and stipulate that time shall be excluded from January 17, 2023, to the new status conference date of January 25, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

4. The parties anticipate that this matter will resolve with a plea agreement. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:

1           a)     The government asserts that discovery has been provided to counsel. The  
2 government is aware of its ongoing discovery obligations.

3           b)     The government will provide an updated plea agreement to counsel on today's  
4 date.

5           c)     Counsel for the defendant desires additional time to consult with his client, to  
6 review the current charges, to conduct investigation and research related to the charges, to review  
7 and/or copy discovery for this matter, to discuss potential resolutions with his client, to prepare  
8 pretrial motions, and to otherwise prepare for trial.

9           d)     Counsel for defendant believes that failure to grant the above-requested  
10 continuance would deny them the reasonable time necessary for effective preparation, taking into  
11 account the exercise of due diligence.

12           e)     The government does not object to the continuance.

13           f)     Based on the above-stated findings, the ends of justice served by continuing the  
14 case as requested outweigh the interest of the public and the defendant in a trial within the  
15 original date prescribed by the Speedy Trial Act.

16           g)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
17 et seq., within which trial must commence, the time period of January 17, 2023 to January 25,  
18 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
19 T4], because it results from a continuance granted by the Court at defendant's request on the  
20 basis of the Court's finding that the ends of justice served by taking such action outweigh the  
21 best interest of the public and the defendant in a speedy trial.

22           5.     Nothing in this stipulation and order shall preclude a finding that other provisions of the  
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
24 must commence.

25  
26           IT IS SO STIPULATED.  
27  
28

1 Dated: January 17, 2023

PHILLIP A. TALBERT  
United States Attorney

2 /s/ JESSICA A. MASSEY  
3 JESSICA A. MASSEY  
Assistant United States Attorney

4  
5 Dated: January 17, 2023

/s/ GRIFFIN ESTES  
GRIFFIN ESTES,  
Counsel for Defendant  
ANTHONY MINOR

8 **ORDER**

9 IT IS SO ORDERED that a status conference is set for **January 25, 2023, at 1:00 p.m. before**  
10 **Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A),  
11 B(iv).

12  
13 IT IS SO ORDERED.

14 Dated: **January 18, 2023**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE